



## IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: REX M BURLISON	Case Number: 2022-CC09358	
Plaintiff/Petitioner: MATTHEW BRESSANELLI	Plaintiff's/Petitioner's Attorney/Address: TAD KENDALL MORLAN STE F 939 N BOONVILLE AVE SPRINGFIELD, MO 65802-3857	
Defendant/Respondent: NATIONAL RAILROAD PASSENGER CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
Nature of Suit: CC Pers Injury-Other		

**Summons for Personal Service Outside the State of Missouri**  
(Except Attachment Action)

The State of Missouri to: **NATIONAL RAILROAD PASSENGER CORPORATION**  
Alias: DBA AMTRAK

ELEANOR ACHESON  
GENERAL COUNSEL  
1 MASSACHUSETTS AVENUE NW  
WASHINGTON, DC 20001

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

**August 26, 2020**

Date

Further Information:

Clerk

*Thomas Hoepfinger*

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

See the following page for directions to officer making return on service of summons.

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

## IN THE CIRCUIT COURT OF ST. LOUIS CITY, MISSOURI

MATTHEW BRESSANELI	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
NATIONAL RAILROAD PASSENGER	)	
CORPORATION d/b/a AMTRAK,	)	
Serve: Eleanor Acheson	)	
General Counsel	)	
1 Massachusetts Avenue, NW	)	
Washington, D.C.	)	
	)	
	)	
Defendant.	)	

**PETITION**

**COMES NOW**, Plaintiff, Matthew Bressaneli, by and through his undersigned counsel, and for his Petition against Defendant, National Railroad Passenger Corporation d/b/a Amtrak, (hereinafter referred to as "Defendant") states and avers as follows:

1. Plaintiff is a resident of Springfield, Greene County, Missouri.
2. Defendant is National Railroad Passenger Corporation d/b/a Amtrak, a corporation duly organized, created, and existing, and was at times hereinafter mentioned a common carrier in interstate transportation and commerce by railroad.
3. The Court has jurisdiction over this matter because the incident at issue occurred in the State of Missouri.
4. Venue is proper in the Court pursuant to § 508.010, RSMo. because this petition alleges a tort and Plaintiff was first injured in St. Louis City, Missouri, where the incident at issue occurred.

5. The Defendant operates trains and owns tracks, stations, yards, equipment, and other property in the City of St. Louis.

6. At all times pertinent hereto, the property, equipment, materials, and operations involved in the injuries sustained by Plaintiff were owned by the Defendant and were under the direct and exclusive control of the Defendant, its servants, agents, and/or employees.

7. On or about July 27, 2015 Plaintiff was a passenger preparing to board Defendant's train at the station in downtown St. Louis.

8. At said time and place, the Plaintiff's leg was caught between the unmarked dividers at the door, thereby causing the Plaintiff to twist his left leg and fall out of the train.

#### **COUNT I - NEGLIGENCE**

**COMES NOW** Plaintiff, Matthew Bressaneli, by and through his undersigned counsel, and for Count I of his Petition against Defendant, states and avers as follows:

9. Plaintiff specifically incorporates by reference each and every preceding paragraph of this Petition as though the same were set forth fully herein.

10. Defendant knew or should have known of said dangerous condition and was negligent in the following respects:

11. Defendant failed to use ordinary care to notify passengers of the dividers at the door and entry of the train.

12. Defendant failed to use ordinary care to put out the appropriate signage warning of the dangerous condition.

13. As a direct and proximate result of negligence of Defendant, Plaintiff Matthew Bressaneli has suffered permanent and painful injuries as follows:

14. Plaintiff sustained injury to his left knee, and low back.

15. Plaintiff continues to have limitations from fatigue, pain, stiffness and range of motion deficits.

16. As a direct and proximate result of negligence of Defendant, Plaintiff was forced to use and did use the services of Ozarks Community Hospital, and CoxHealth.

17. As a direct and proximate result of negligence of Defendant, Plaintiff will be required to obtain medical services in the future.

18. As a direct and proximate result of the negligence of Defendant, Plaintiff was forced to use and did use prescription and over-the-counter medications.

19. As a direct and proximate result of the above-mentioned injuries suffered by Plaintiff, Plaintiff did also suffer, and continues to suffer, general discomfort which prevents him from performing normal and customary daily activities in the same manner possible before the occurrence state herein.

20. As a direct and proximate result of the negligence of Defendant, Plaintiff's general health, strength, and vitality have been impaired.

21. As a direct result of the above-mentioned injuries suffered by Plaintiff, caused by the negligence of Defendant, Plaintiff has suffered damages (for jurisdiction, in excess of \$25,000.00), the exact amount of which cannot be ascertained at this time.

**WHISEFORE**, Plaintiff prays for Judgment against Defendant, Amtrak, and Count I of his Petition for damages as are fair and reasonable (for jurisdiction, in excess of \$25,000.00), together with costs and interest as allowed by law, and for any other and further relief the court may deem just and proper in the premises.

Respectfully submitted,

/s/ Tad K. Morlan

Tad K. Morlan, MBE #43409

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